

REMARKS

In the Office Action mailed on March 26, 2003 by the United States Patent and Trademark Office, the Examiner rejected claims 1-27. By way of this Amendment and Response, the Applicant has cancelled claims 1-9 and rewritten claims 10-12. After entry of this Amendment and Response, claims 10-27 remain in this application. Reconsideration is respectfully requested in light of the foregoing amendments and the following remarks. The foregoing amendments and the following remarks are believed to be fully responsive to the Office Action mailed March 26, 2003 and also render all currently pending claims at issue patentably distinct over the references of record.

I. INTRODUCTION

Generally, the present invention is directed to three display modes that each provide visual representations of the data categories. The first display mode is preferably a transparency mode for at least one visual representation of one of the data categories, the second display mode is preferably a dynamic layering mode for at least two of the visual representations of two of the data categories, and the third display mode is preferably a color prioritization mode for at least three of the visual representations of three of the data categories. One or more of these display modes presents visual representations of the data categories to the user in a manner that preferably assists with the cognitive mapping between the display and the user and/or reduces the time, error and/or effort of the user in assimilating at least one data category of interest. While the Examiner cites one or more references that at best describe a transparency mode, none of the references individually or in combination describe a dynamic layer mode or a color prioritization mode as described and claimed by the Applicants. Accordingly, the Examiner has ignored the limitations of the dynamic layer mode and the color prioritization mode that are separate and distinct from the transparency mode as subsequently described in greater detail in this Amendment and Response.

II. REJECTIONS UNDER 35 U.S.C 102(e) and 35 U.S.C 103(a)

The Examiner rejected claims 1, 5, 7, 10, 13, 15-23 and 25 under 35 U.S.C. 102(e) as being anticipated by United States patent no. 6,317,128 that was issued to Harrison et al on November 13, 2001 (hereinafter referred to as "Harrison"). In addition, the Examiner rejected claims 2-4, 6, 8-9, 11-12, 14, 24 and 26-27 under 35 U.S.C. 103(a) as being unpatentable over Harrison and further in view of United States patent no. 6,118,427 that was issued to Buxton et al on September 12, 2000 (hereinafter referred to as "Buxton"). The Applicant respectfully traverses these rejections.

A. CLAIMS 1-9

It is respectfully submitted that independent claim 10 as originally filed contains language that clearly distinguishes the present invention from each of the cited references, individually or in combination. While the Applicants respectfully traverse these rejections of claims 1-9, the claims have been canceled to expedite prosecution of the above-identified patent application.

B. CLAIMS 10-17

It is respectfully submitted that independent claim 10 as originally filed contains language that clearly distinguishes the present invention from each of the cited references, individually or in combination. More specifically, independent claim 10, which is associated with the dynamic layering mode, has been amended to recite "that said first visual representation masks said third visual representation in a second common region of said first visual representation and said third visual representation" and also amended to recite "that the third visual representation masks said first visual representation in said second common region if a second predefined event is identified by said processor." As neither Harrison or Buxton disclose teach or suggest masking one visual representation with another visual presentation in common regions and altering the masking if a predefined event occurs, it is respectfully submitted that independent claim 10 and the claims that depend from claim 10 (i.e., claims 11-17) are not anticipated by Harrison nor rendered obvious by Harrison and Buxton. Accordingly, the Examiner is respectfully requested to withdraw the rejections of claims 10-17 under 35 U.S.C. 102(e) and 35 U.S.C. 103(a).

B. CLAIMS 18-27

It is respectfully submitted that independent claim 18 as originally filed contains language that clearly distinguishes the present invention from each of the cited references, individually or in combination. More specifically, independent claim 10, which is associated with the color prioritization mode, recites "a first color is provided for said first visual representation of said first data category and a second color is provided for said second visual representation of said second data category that correspond to a first priority for said first color and a second priority for said second color with a first color difference between said first color and a background color of said display greater than about seventy-five and a second color difference between said second color and said background color less than about seventy-five." (*emphasis added*) The Examiner states that "Harrison et al. illustrates in Figs. 4-5A several menus with 20% foreground and 80% background combined transparency without anti-interference outlines." (*emphasis added*) However, the Examiner does not state that such a color difference is disclosed suggested or taught by Harrison or Buxton, individually or in combination, and relies on transparency differences to support the rejections. Accordingly, as the recited color difference is not taught, disclosed or suggested by Harrison or Buxton, it is respectfully submitted that independent claim 18 and the claims that depend from claim 18 (i.e., claims 19-27) are not anticipated by Harrison nor rendered obvious by Harrison and Buxton. Accordingly, the Examiner is respectfully requested to withdraw the rejections of claims 18-27 under 35 U.S.C. 102(e) and 35 U.S.C. 103(a).

III. CONCLUSION

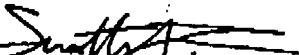
It is respectfully submitted that the above-identified application, as amended, is now in condition for allowance and such allowance is therefore earnestly requested by the Applicants. Should the Examiner have any questions or wish to further discuss the above-identified patent application, Applicants request that the Examiner contact the undersigned at (480) 385-5060.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent

abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge Ingrassia Fisher & Lorenz, P.C. deposit account no. 50-2091 for any fee which may be due.

Respectfully submitted,

Dated 06/25/03


Timothy J. Lorenz
Registration No. 41,954

Ingrassia, Fisher & Lorenz, P.C.
Customer No. 29906